

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

ROBERT WOODWARD  
#0452670

PLAINTIFF

v. No. 5:19-cv-258-DPM

WENDY KELLEY, Director, ADC;  
JAMES GIBSON, Warden;  
DEXTER PAYNE, Deputy  
Director, ADC; MAPLES,  
Lieutenant; and JIM DePRIEST,  
Assistant Director, ADC

DEFENDANTS

**ORDER**

1. The Court withdraws the reference.

2. Woodward hasn't paid the \$400 filing and administrative fees in this case. And a motion to proceed *in forma pauperis* would be futile because he is a three-striker. Before filing this lawsuit, he'd had at least three cases dismissed for failing to state a claim. *E.g., Woodward v. Payne*, 5:19-cv-6-BRW; *Woodward v. Kelley, et al.*, 5:19-cv-25-JM; and *Woodward v. Ross, et al.*, 5:19-cv-58-JM. Further, nothing in Woodward's complaint suggests he's currently in imminent danger of serious physical injury. *No 1*; 28 U.S.C. § 1915(g). His complaint will therefore be dismissed without prejudice. If Woodward wants to pursue this case, then he must pay the \$400 filing and administrative fees and file a

motion to reopen by 16 September 2019. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

16 August 2019